

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MITCHELL KEITH GOODRUM,

Plaintiff,

v.

STATE OF NEVADA, et al.,

Defendants.

Case No. 3:20-cv-00185-RFB-WGC

ORDER

I. DISCUSSION

This action began with an incomplete application to proceed *in forma pauperis* filed by an incarcerated individual. (ECF No. 1.) On March 24, 2020, the Court sent Plaintiff an order noting that he had not filed a complaint and that his application to proceed *in forma pauperis* was incomplete. (ECF No. 3.) The Court ordered Plaintiff to file an application to proceed *in forma pauperis* and a complaint within 60 days and warned Plaintiff that failure to timely comply with the order may result in dismissal of this action. (*Id.*) Although Plaintiff filed a new application to proceed *in forma pauperis*, suggesting that he received and understood the Court's order, he did not file a complaint. On June 23, 2020, almost three months after the Court's order, the Court dismissed this case in its entirety without prejudice due to Plaintiff's failure to file a complaint. (ECF No. 4.)

Plaintiff has now filed another application to proceed *in forma pauperis* (ECF No. 10) and a complaint titled "First Amended Complaint" (ECF No. 9). Plaintiff attached a cover letter to the complaint, and the cover letter states that he mailed his complaint to his 85-year old mother on June 1, 2020¹, expecting her to make copies and then send his complaint on to the court. (ECF No. 9-1.) But his mother became ill, passed away, and was not able to forward the complaint. (*Id.*) Plaintiff asks that the Court accept his filings, but also states that the Court should check cases 3:20-cv-00173-MMD-WGC and

¹ The Court notes that June 1, 2020, was already past the Court's deadline for Plaintiff to file a complaint in this action.

1 3:20-cv-00185-RFB-WGC for his previous filings. (*Id.*)

2 Based on Plaintiff's cover letter, apparently referencing this action's case number,
3 3:20-cv-00185-RFB-WGC, as a separate case, it appears that Plaintiff intended to pursue
4 his claims in a new action. However, because Plaintiff included this action's case number
5 with his filings, the new complaint and application to proceed *in forma pauperis* were filed
6 in this case, rather than in a new action. Because this case has been closed, the Court
7 denies Plaintiff's application to proceed *in forma pauperis* (ECF No. 10) as moot.

8 Because Plaintiff's filings were not entirely clear, the Court reiterates that this
9 action was dismissed without prejudice. As such, Plaintiff is free to pursue his claims in
10 a new action by filing a complaint and an application to proceed *in forma pauperis* in a
11 new action. If Plaintiff chooses to pursue his claims in a new action, he should file a
12 complaint and an application to proceed *in forma pauperis* without referencing the case
13 number from this action.

14 **II. CONCLUSION**

15 For the foregoing reasons, it is ordered that Plaintiff's application to proceed *in*
16 *forma pauperis* (ECF No. 10.) is denied as moot.

17 It is further ordered that the Clerk of the Court send Plaintiff the approved form for
18 filing a § 1983 complaint, instructions for the same, and a copy of complaint (ECF No. 9),
19 as well as the approved form application to proceed *in forma pauperis* by an inmate, the
20 document entitled information and instructions for filing an *in forma pauperis* application,
21 and a copy of his motion to proceed *in forma pauperis* (ECF No. 10).
22

23 DATED THIS 11th day of August 2020.

24
25 William G. Cobb

26 UNITED STATES MAGISTRATE JUDGE
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